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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JORGE ABRAHAM LOMELI-LOPEZ,

16 Defendant.

Case No.: 2:20-mj-00358-EJY

**STIPULATION TO CONTINUE  
BENCH TRIAL**

(Second Request)

17 IT IS HEREBY STIPULATED AND AGREED by and between Christopher C.  
18 Chiou, Acting United States Attorney, and Rachel Kent, Assistant United States Attorney,  
19 counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Jorge  
20 Abraham Lomeli-Lopez, that the Bench Trial currently scheduled for December 20, 2021 at  
21 9:00 a.m. be vacated and set to a date and time convenient to this Court, but no sooner than  
22 ninety (60) days.

23 The Stipulation is entered into for the following reasons:

- 24 1. The defendant is out of custody and does not object to the continuance.
- 25 2. The parties agree to the continuance.
- 26

1           3.       The requested time is not for purposes of delay. Mr. Leventhal will be out of the  
2 country December 17, 2021 through January 7, 2022.

3           4.       Additionally, denial of the continuance could result in a miscarriage of justice.  
4 The additional time is excludable in computing the time within which the trial must  
5 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors  
6 outlined in §3161(h)(7)(B)(i), (iv).

7  
8           This is the second stipulation to continue the Bench Trial.

9  
10          DATED: December 7, 2021

11         Submitted By: LEVENTHAL & ASSOCIATES, PLLC

12  
13         By     /s/ Todd M Leventhal    

14         TODD M. LEVENTHAL  
15         Counsel for Defendant

12         By     /s/ Rachel Kent    

13         RACHEL KENT  
14         Assistant United States Attorney

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE ABRAHAM LOMELI-LOPEZ,

Defendant.

Case No.: 2:20-mj-00358-EJY

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER**

**FINDINGS OF FACT**

Based on the pending stipulation of counsel, and good cause appearing therefore, the  
Court finds that:

1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance.
3. The requested time is not for purposes of delay. Mr. Leventhal will be out of the country December 17, 2021 through January 7, 2022.
4. Additionally, denial of the continuance could result in a miscarriage of justice.

1 The additional time is excludable in computing the time within which the trial must  
2 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors  
3 outlined in §3161(h)(7)(B)(i), (iv).  
4

5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting the requested continuance outweigh the best  
7 interest of the public and the defendant in a speedy trial because the failure to grant it would  
8 likely result in a miscarriage of justice. This continuance is excludable under the Speedy  
9 Trial Act, Title 18 U.S.C. § 3161 (h)(7)(A) based on the factors outlined in §161(h)(7)(B)(i),  
10 (iv).  
11

12 **ORDER**

13 IT IS FURTHER ORDERED that the Bench Trial currently scheduled for December  
14 29, 2021 at the hour of 9:00 a.m., is vacated and continued to March 9, 2022 at the hour of  
15 9:00 a.m., in Courtroom 3D.

16 DATED this 7th of December 2021.

17  
18 BY:   
19 HONORABLE ELAYNA J YOUCHAH  
20 United States Magistrate Judge  
21  
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24  
25  
26